

REMARKS

Applicants respectfully request reconsideration of the present application based on the following remarks. Claims 1-2, 4-6, 9, 11-13, 16-17, 19-21, 24, 26-28, and 31-41 are pending in the application.

Claim Rejections Under 35 U.S.C. 103 in view of Havinis and Rosenthal

Claims 1-2, 4, 6, 9, 11, 13, 16-17, 19, 21, 24, 26 and 28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,134,447 to Havinis et al. (“Havinis”) in view of U.S. Patent No. 5,737,701 to Rosenthal et al. (“Rosenthal”). For reasons set forth more fully below, Applicants respectfully traverse this rejection.

Applicants incorporate and restate prior arguments made in response to rejections made in previous Office Actions. Independent claim 1 sets forth (with similar limitations in each of the other independent claims 9, 16, and 24) a method for providing access to resources with the following explicit steps:

- concurrently maintaining a system-wide list of resources associated with a plurality of subscribers regardless of subscriber identity and a separate and distinct plurality of lists of resources respectively associated with subscribers;
- receiving a request from a subscriber to access a resource;
- first comparing the resource to the system-wide list;
- if the resource is included in the system-wide list:
 - providing or denying access to the resource in accordance with the system-wide list;
- if the resource is not included in the system-wide list:
 - retrieving one of the plurality of lists associated with the subscriber;
- next comparing the resource to the retrieved list associated with the subscriber;
- ...
- requiring the subscriber to input a personal identification number if the resource is not included in the list associated with the subscriber

Among other things, the claims clearly require:

1. A “system-wide” list of resources to which access can be controlled without reference to a subscriber’s identity; and

2. Separate and distinct lists of resources to which access is controlled specifically in accordance with a subscriber's identity.

In Havinis's System, "Location Applications" Request Access to Location Services (i.e. an Alleged Resource)

Applicants respectfully submit that the present rejections are based on an improper understanding of Havinis's teachings.

For example, it should be made clear that Havinis does not teach allowing a cell phone subscriber to determine his/her location. On the contrary, Havinis teaches that efforts to locate a cell phone are "not noticed" by the cell phone subscriber. (col. 6, lines 64-65) Rather, the location requests are made by "location applications" such as "fleet management companies" that want to determine the position of a cell phone associated with it, unbeknownst to the cell phone subscriber. The cell phone subscriber never requests access to location services.

More particularly, Havinis describes a system and method for providing or barring access to location services that can determine the location of a cell phone (see the Title). There are two types of "subscribers" described in Havinis's system: (1) location applications (LA's) and (2) individual cell phones. Subscriptions to location services are provided to individual location applications (LA's) (col. 3, lines 9-12). Examples of LA's taught by Havinis include emergency centers, law enforcement agencies and fleet management companies.¹ (col. 4, lines 30-40) Each LA has its own unique identifier LAIN (col. 3, lines 43-47). Individual cell phone subscribers are identified by Mobile Station International Subscriber Directory Numbers (MSISDN's). (col. 4, lines 38-40). Each LA further defines the groups of cell phones (e.g. a list of MSISDN's) that are associated with it (col. 4, lines 34-40), and whether privacy settings for individual cell phones within the group can be overridden (col. 4, lines 30-34).

In Havinis's system, subscribing LAs (e.g. law enforcement agencies, fleet management companies, etc.) send requests to a Gateway Mobile Location Center (GMLC) to determine a cell phone's position or location (i.e. a request for a resource). As shown in FIG. 4, a LA 380 sends a

¹ In this regard, Havinis' use of the term "application" in "location application" is somewhat misleading. Clearly, Havinis uses the term "location application" to correspond to an organization that has a subscription for receiving location services. Accordingly, if anything in Havinis's system corresponds to a "subscriber," it is the "location applications."

positioning request 388 that includes the LA's LAIN, along with the MSISDN of the phone the LA wants to locate. The GMLC 390 first determines whether the requesting LA 380 (e.g. a fleet management company) is on a black list 392 or gray list 394 (steps 405 and 410, respectively). If the LA 380 is not on the black list 392, the GMLC 390 uses SS7 signaling to request network routing information (i.e. how to route a cell phone call) for the phone that the LA 380 wants to locate (step 415). If the routing information can be obtained, it is sent to the GMLC 390. The GMLC 390 then determines whether the cell phone's owner allows positioning, and whether the LA 380 allows the owner's privacy requests to be overridden (step 445). If positioning is allowed, GMLC 390 performs processing to position the cell phone, which includes initiating a call request to the phone. "This call does not activate the ringing tone on the MS 300, and therefore, is not noticed by the MS 300." (col. 6, lines 64-65).

Clearly, in Havinis's system, the LA 380 (e.g. a fleet management company), and not the cell phone 300 user, is requesting location services (i.e. a subscriber requesting access to a resource). These requests include the LA's subscription identity (LAIN), and this subscriber identity is compared to a list of subscriber identities (i.e. black list 392) to determine whether to perform the requested location service.

Havinis does not provide any teaching or suggestion that cell phone subscribers can request anything at all except perhaps privacy.

Havinis's Black List Does Not Meet The Claimed Limitations Regarding The System-Wide List of Resources

Applicants previously demonstrated that Havinis does not disclose or suggest comparing a requested resource against both a system-wide list of resources associated with a plurality of subscribers regardless of subscriber identity and a distinct and separate list of resources associated with a particular subscriber.²

When Havinis's teachings are properly understood, it is clear that Havinis's black list 392 does not meet the limitations of the claims. First, black list 392 is clearly not a "list of resources." Rather, it is a list of subscribers. Moreover, the black list is not "associated with a

² Applicants have previously demonstrated that Rosenthal does not meet these limitations, and the Office Action correctly fails to make any such allegations.

plurality of subscribers regardless of subscriber identity.” On the contrary, it is a list that specifically identifies subscribers (i.e. LAIN’s) that are not allowed access to location services (i.e. a single resource).

The Final Office Action states that “Havinis teaches the use of a black list with more than one LA included in the list . . . therefore this list is not associated with any specific subscriber. . . .” This statement is clearly incorrect because LA’s are, if anything, subscribers for location services. Moreover, the black list is not a list of resources, but a list of subscriber identities (LAINs). Accordingly, Havinis’s black list does not meet the clear language of the claims, and so it cannot support a prima facie case of obviousness. “All words in a claim must be considered in judging the patentability of that claim against the prior art.” In re Royka, 490 F.2d 981 (CCPA 1974); MPEP 2143.03.

Because Havinis does not teach a system-wide list of resources as claimed, it cannot teach a method of providing access to resources based on a comparison of the requested resource with that list, much less the required progression of comparisons required by the claims. For at least the foregoing reasons, the cited prior art fails to teach all the limitations of claims 1, 9, 16, and 24.

The Alleged Combination Of Havinis and Rosenthal Would Not Suggest the Claimed Invention

The Office Action relies on Havinis as teaching the claimed system-wide list of resources. As shown above, Havinis can not support a prima facie case of obviousness because all claim limitations regarding the system-wide list are not present. Accordingly, even if the references are combined as alleged in the Office Action, the present invention is not suggested. Accordingly, Applicants submit independent claims 1, 9, 16, and 24, together with claims 2, 4-6, 11-13, 16-17, 19-21, 24, 26-28, and 31-41 that depend therefrom, patentably define over Havinis and Rosenthal.

No Other Cited Prior Art Cures the Deficiencies of Chiniwala and Rosenthal With Respect to Independent Claims 1, 9, 16, and 24

Claims 5, 12, 20, 27, 33, 36, 39, and 42 stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Havinis and Rosenthal in view of U.S. Patent No. 6,330,311 Mijares

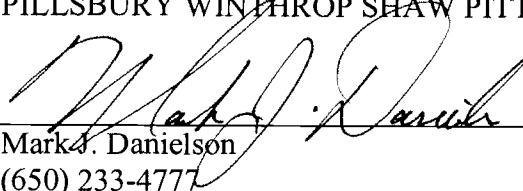
et al. ("Mijares"). Claims 31, 34, 37, and 40 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis and Rosenthal in view of Rowell et al, WO 9704602 ("Rowell"). Claims 32, 35, 38, and 41 stand rejected as being allegedly unpatentable over Havinis and Rosenthal in view of Rudokas, US Patent 5,420,910 ("Rudokas"). These claims depend ultimately from independent claims 1, 9, 16, and 24 and thus are patentable for at least the reasons presented above. The deficiencies noted above are not cured by the alleged combinations with Mijares, Rowell, or Rudokas. For example, neither Mijares, Rowell, nor Rudokas teach or suggest the concurrent maintenance of both a system-wide list of resources and a user specific list of resources, or the progression of first comparing the requested resource to the system-wide list, and next comparing the requested resource to a user specific list if the requested resource is not in the system-wide list as required by claims 1, 9, 16, and 39.

Conclusion

All objections and rejections having been addressed, the application is believed to be in condition for allowance and Notice to that effect is earnestly solicited. If any issues remain which the Examiner feels may be resolved through a telephone interview, s/he is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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